

**ASSEMBLY BILL**

**No. 776**

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**Introduced by Assembly Member Cooper**

February 25, 2015

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An act to amend Section 25350 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

AB 776, as introduced, Cooper. Alcoholic beverages: seizure.

Existing law establishes the Department of Alcoholic Beverage Control within the Business, Consumer Services, and Housing Agency to administer and enforce the Alcoholic Beverage Control Act. Existing law authorizes the department to seize alcoholic beverages under specified circumstances. Existing law provides that the total retail value of alcoholic beverages subject to seizure may not exceed \$100.

This bill would eliminate the provision that limits the retail value of the alcoholic beverages that are subject to seizure.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25350 of the Business and Professions
- 2 Code is amended to read:
- 3 25350. The department may seize the following alcoholic
- 4 beverages:
- 5 (a) Alcoholic beverages manufactured or produced in this State
- 6 state by any person other than licensed manufacturer or wine
- 7 grower, regardless of where found.

1 (b) Beer and wine upon the sale of which the excise tax imposed  
2 by Part 14 (*commencing with Section 32001*) of Division 2 of the  
3 Revenue and Taxation Code has not been paid, regardless of where  
4 found.

5 (c) Distilled spirits except (1) distilled spirits located upon  
6 premises for which licenses authorizing the sale of the distilled  
7 spirits have been issued; (2) distilled spirits consigned to and in  
8 the course of transportation to a licensee holding licenses  
9 authorizing the sale of the distilled spirits or for delivery without  
10 this ~~State~~; *state*; (3) distilled spirits upon the sale of which the  
11 excise tax imposed by Part 14 (*commencing with Section 32001*)  
12 of Division 2 of the Revenue and Taxation Code has been paid;  
13 (4) alcohol or distilled spirits in the possession of a person who  
14 has lawfully purchased it for use in the trades, professions, or  
15 industries and not for beverage use.

16 (d) Any alcoholic beverage possessed, kept, stored, or owned  
17 with the intent to sell it without a license in violation of this  
18 division.

19 (e) Notwithstanding any other provision of this section, *a seizure*  
20 *of* any alcoholic beverage acquired, exchanged, purchased, sold,  
21 delivered, or possessed in violation of Sections 23104.2, 23104.3,  
22 23394, 23402, ~~or 24879, or Chapter 10 (commencing with Section~~  
23 ~~24749), 11 (commencing with Section 24850), or Chapter 12~~  
24 ~~(commencing with Section 25000) of this division, except that~~  
25 ~~seizures under this subdivision~~ shall be limited to the actual  
26 package or case of alcoholic beverage acquired, exchanged,  
27 purchased, sold, delivered, or possessed in violation of the  
28 foregoing provisions. ~~Any seizure under this subdivision shall not~~  
29 ~~exceed one hundred dollars (\$100) of alcoholic beverages at retail~~  
30 ~~price.~~